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301 South Monroe Street
Tallahassee, Florida 32301
(850) 488-4710

August 24, 2004

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(850) 488-9962

HERBERT W.A. THIELE
County Attorney
(850) 487-1008

John H. Fairhart, Esq.
Brian S. Clary & Associates
402 Staitti
Humble, Texas 77338

Re: Termotto matter

Dear Mr. Fairhart:

Your letter of August 6, 2004, to Parwez Alam, County Administrator, has been forwarded to our office for appropriate response.

As with all its citizens, the County respects Ms. Termotto's desire not to have her property sprayed. At the same time, health departments throughout the country are vitally concerned about the health consequences of mosquito-borne diseases, particularly West Nile Virus. The U.S. EPA and CDC's Joint Statement on Mosquito Control, located at <http://www.epa.gov/pesticides/factsheets/mosquitojoint.htm>, describes some of the severe consequences of failing to control mosquito populations. The County must address those concerns as well. Some of Ms. Termotto's neighbors and others in the general neighborhood have requested spraying in the past and may do so again in the future. The County will do its best to accommodate both your client's desires and these other requests, which I'm sure you would not discount as frivolous considering the deaths and serious illnesses that have occurred from West Nile, Dengue Fever, encephalitis, and other mosquito-related diseases.

The active ingredient in the product the County uses for spraying, sumethrin, has been registered as safe for mosquito control and neighborhood fogging by EPA since 1975. The County, of course, relies on the health evaluation by EPA and follows the label application requirements during spraying. According to materials on Anvil® available on the internet, this class of insecticides (pyrethroids) are not expected to result in the kinds of conditions Ms. Termotto claims she has experienced. EPA's Topical & Chemical Fact Sheet on Synthetic Pyrethroids for Mosquito Control confirms that "Pyrethroids can be used for public health mosquito control programs without posing unreasonable risks to human health when applied according to the label." The MSDS for sumithrin and piperonyl butoxide, the other ingredient you mentioned, does not indicate any particular risk from skin or inhalation exposure except irritation. Anvil® is also applied in very low doses, and the chemical apparently breaks down quickly to

Letter to John H. Fairhart, Esq.
August 23, 2004
Page 2

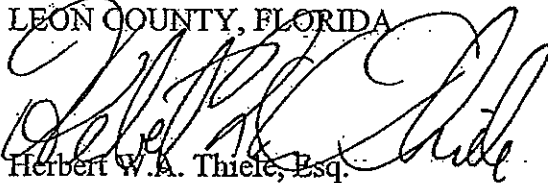
carbon dioxide. This information does not support Ms. Termotto's claim, and it appears extremely unlikely that the County's infrequent and limited spraying has any causal connection to her conditions.

Further, Anvil® has apparently been used for mosquito control in populated areas extensively for thirty years, yet there do not appear to be any documented cases where Anvil has resulted in any significant human health effects, much less those Ms. Termotto alleges. You did not provide the source of the information you included in your letter, nor are we aware that the effects you describe have ever occurred in humans exposed to sumithrin, or could occur at the extremely low doses involved in fogging, even in persons with particular sensitivity to chemicals. If you have contrary evidence showing documented human outcomes similar to Ms. Termotto's conditions, or any epidemiology studies indicating a link, we would appreciate seeing that evidence.

The County will, according to its policies, provide the Termottos with 48 hours notice before spraying in her neighborhood takes place to give the family time to move away if they wish during the spraying activity. The County also will turn the fogger off as it passes the Termotto's property, and will continue to spray nearby properties only if the property owner has requested. If you want to suggest other reasonable steps the County might take that respect the rights of other owners to be protected from mosquito-borne diseases, the County would be happy to consider them.

Sincerely,

COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA



Herbert W.A. Thiele, Esq.
County Attorney

cc: Parvez Alam, County Administrator
Tony Park, Director of Public Works
Gene Baker, Director of Mosquito Control